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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

R.S.A. No. 795 of 2007 (O&M)
Date of Decision : March 20, 2007

Punjab State Electricity Board

... Appellant

Versus

Kewal Ram .. Respondent

CORAM : Hon`ble Mr. Justice Pritam Pal.

Present : Shri J.P.S.Sandhu, Advocate,
for the appellant-Board.

PRITAM PAL , J.

This Regular Second Appeal by the defendant – Punjab State Electricity Board (hereinafter referred to as "the appellant-Board") is directed against judgment and decree dated 13.3.2001, passed by learned Civil Judge (Senior Division) Ropar, and judgment and decree dated 27.10.2006 passed by learned Additional District Judge, Ropar, whereby the suit filed by the respondent-plaintiff, for declaration to the effect that the service rendered by him from 9.12.1981 to 15.7.1985 at Anandpur Sahib Hydel Project is liable to be counted for consideration for the purpose of his promotion to the next higher post in the appellant-Board, was decreed, and the appeal filed by the appellant-Board was also dismissed.

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The only contention of learned counsel for the appellant-Board is that in fact, the earlier period of service rendered by the plaintiff-respondent at the Anandpur Sahib Hydel Project (for short, "the project") cannot be counted as the said project was not under the appellant-Board.

This contention of the appellant-Board is devoid of any merit inasmuch as, the project, where the respondent-plaintiff had worked during the aforesaid period, was also being financed and managed by the appellant-Board. This factum, incorporated in the plaint itself, has also not been specifically denied by the appellant-Board in the written statement filed before the learned trial court. In this regard, both the courts below have given concurrent findings that in fact, the appellant-Board has impliedly admitted that the said project was not only being financed by the appellant-Board, but it was also being managed by it. In this view of the matter, it can be safely inferred that during the aforesaid period, the plaintiff-respondent shall be deemed to have served under the appellant-Board. Besides this, learned counsel for the appellant-Board could not make out any substantial question of law for consideration by this Court.

Hence, this regular second appeal is dismissed *in limine.*

[PRITAM PAL]
JUDGE

March 20, 2007.
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